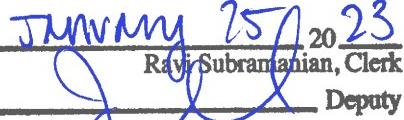


1 Presented to the Court by the foreman of the
2 Grand Jury in open Court, in the presence of
3 the Grand Jury and FILED in the U.S.
4 DISTRICT COURT at Seattle, Washington.

5 
6 JUNNAY 25 2023
7 Ravi Subramanian, Clerk
8 By:  Deputy

The Honorable Benjamin H. Settle

9
10 UNITED STATES DISTRICT COURT FOR THE
11 WESTERN DISTRICT OF WASHINGTON
12 AT TACOMA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 SEAN COITEUX,
17 TRACY COITEUX,
18 RACING PERFORMANCE
19 MAINTENANCE NORTHWEST, LLC, and
20 RPM MOTORS AND SALES, LLC,

21 Defendants.

22 NO. CR21-5184BHS

23 SUPERSEDING INDICTMENT

24 The Grand Jury charges that:

25 **COUNT 1**

26 **(Conspiracy to Violate the Clean Air Act)**

27 A. Overview

1. The defendants in this matter participated in a conspiracy to deliberately
remove pollution control devices from diesel trucks, causing the trucks to pollute the air
at rates far in excess of federal limits. To allow the vehicles to function while polluting at
these unlawful levels, defendants tampered with federally-mandated emissions
monitoring devices on those trucks in violation of the criminal provisions of the Clean
Air Act. Defendants performed these unlawful modifications on hundreds of diesel

1 trucks over at least a three-year period, and collected hundreds of thousands of dollars in
2 fees for doing so.

3 2. Defendants' unlawful conduct centered around RACING
4 PERFORMANCE MAINTENANCE NORTHWEST, LLC (RPM NORTHWEST), a
5 Ridgefield, Washington limited liability company and automotive shop. RPM
6 NORTHWEST's business included modifying, repairing, and maintaining diesel trucks.
7 RPM NORTHWEST marketed itself as "the Northwest's leader in diesel performance,
8 maintenance, speed, and standard of automotive passion and precision." RPM MOTORS
9 & SALES, LLC (RPM MOTORS) is a related limited liability company based in
10 Woodland, Washington that specializes in the sales of motor vehicles, including diesel
11 trucks.

12 3. Defendants SEAN COITEUX and TRACY COITEUX are owners and
13 operators of RPM NORTHWEST and RPM MOTORS. The person referenced in this
14 Indictment as "Person 1" was the General Manager and Service Manager for RPM
15 NORTHWEST. SEAN COITEUX, TRACY COITEUX, and Person 1 took the actions
16 described in this Indictment within the scope of their agency for RPM NORTHWEST
17 and RPM MOTORS, and with the intent to benefit those corporations.

18 **B. Regulation of Emissions Systems**

19 4. The Clean Air Act protects the nation's air quality by, among other things,
20 reducing vehicle emissions that pollute the air with toxins such as nitrogen oxides,
21 particulate matter, hydrocarbons, and carbon monoxide. These pollutants have been
22 shown to cause cancer, as well as pulmonary, neurological, cardiovascular, and immune
23 system damage. Diesel exhaust is one of the largest sources of particulate matter and
24 other pollutants.

25 5. The Clean Air Act authorizes the United States Environmental Protection
26 Agency (EPA) to issue regulations limiting the amount of pollutants that motor vehicles,
27

1 including diesel trucks, can emit. To meet these standards, diesel engine manufacturers
 2 have developed a variety of emissions control devices, including devices known as
 3 selective catalytic reduction systems (SCRs), diesel particulate filters (DPFs), and
 4 exhaust gas recirculation systems (EGRs). Together, these hardware emissions control
 5 devices, along with others, make up a diesel vehicle's emissions control system and are
 6 critical to ensuring that the vehicle complies with the Clean Air Act's emissions
 7 standards.

8 6. EPA regulations also require vehicle manufacturers to install on their
 9 vehicles monitoring devices known as on-board diagnostic systems (OBDs).
 10 42 U.S.C. § 7521(m)(1); 40 C.F.R. 86.1806-05. An OBD contains sensors that monitor
 11 the vehicle's emissions levels. The OBD alerts the driver if the truck's emissions exceed
 12 legal limits. If the alert is not addressed, the OBD either forces the vehicle's engine to
 13 shut down, or places the vehicle in a state known as "limp mode," which limits the
 14 maximum speed of the vehicle to as low as five miles per hour.

15 **C. Emissions System "Deletes" and "Tunes"**

16 7. Persons seeking to evade the Clean Air Act's pollution controls have
 17 developed methods of modifying or removing emissions control systems and rendering
 18 the OBDs ineffective. These modifications are marketed to truck owners as improving
 19 the horsepower, torque, and other characteristics of diesel engines.

20 8. One way to disable an emissions control system is to remove the portion of
 21 the vehicle's exhaust system that contains the emissions control devices and replace it
 22 with a section of exhaust tubing known as a "straight pipe" that does not contain
 23 emissions control hardware. Another method is to remove the components of the
 24 emissions control system (such as the SCR or DPF) by hollowing out the casing in the
 25 vehicle's exhaust pipe and then reattaching the modified system. The act of removing a
 26 vehicle's emissions control systems is often referred to as a "delete." EPA studies have
 27

1 determined that a single deleted diesel truck can cause pollution equal to between 30 and
2 300 similar trucks with compliant emissions systems, depending on the model of the
3 truck.

4 9. If a truck is deleted, a functioning OBD will detect the increased emissions
5 and cause the vehicle to become inoperative or go into limp mode. Therefore, a
6 mechanic performing a delete must also disable the OBD. The act of rendering the OBD
7 ineffective is often referred to as a “tune” or a “flash.” It is a felony to tamper with or
8 render inaccurate any monitoring device required by the CAA, including an OBD.
9 42 U.S.C. § 7413(c)(2)(C).

10 **D. The Conspiracy**

11 10. Beginning at a time unknown, but no later than January 2018, and
12 continuing until at least January 20, 2021, at Ridgefield, within the Western District of
13 Washington, and elsewhere, SEAN COITEUX, TRACY COITEUX, RACING
14 PERFORMANCE MAINTENANCE NORTHWEST, LLC, RPM MOTORS & SALES,
15 LLC, and others known and unknown to the Grand Jury, including Person 1, agreed to
16 modify and delete the emissions control systems of diesel engines in a manner that would
17 cause those engines to emit pollution at levels exceeding EPA regulations, and further
18 agreed to falsify, tamper with, and render inaccurate the vehicles’ on-board diagnostic
19 (OBD) emissions monitoring devices so that the modified vehicles could continue to
20 function after the deletes.

21 11. By entering into the foregoing agreement, SEAN COITEUX, TRACY
22 COITEUX, RACING PERFORMANCE MAINTENANCE NORTHWEST, LLC, and
23 RPM MOTORS & SALES, LLC, together with others known and unknown to the grand
24 jury, did knowingly conspire, confederate and agree, together and with each other, to
25 knowingly falsify, tamper with, and render inaccurate, monitoring devices and methods
26
27

1 required to be maintained under the Clean Air Act in violation of Title 42, United
2 States Code, Section 7413(c)(2)(C).

3 12. The object of the conspiracy was to generate revenue for RPM
4 NORTHWEST by charging customers a fee to delete and tune their diesel trucks, and
5 to generate additional sales and revenue for RPM MOTORS by offering to delete and
6 tune the trucks of prospective RPM MOTORS customers if the customers purchased
7 trucks from RPM MOTORS.

8 **E. Manner and Means**

9 It was part of the conspiracy that:

10 13. SEAN COITEUX, TRACY COITEUX, RPM NORTHWEST, and others,
11 including Person 1, agreed with diesel truck owners (customers) that, in exchange for a
12 fee of between about \$1,000 and about \$2,000 per vehicle, RPM NORTHWEST would
13 remove emissions control systems from the customers' trucks and render inaccurate the
14 trucks' OBDs.

15 14. SEAN COITEUX, TRACY COITEUX, RPM NORTHWEST, and RPM
16 MOTORS entered into agreements with customers purchasing diesel trucks from RPM
17 MOTORS under which the defendants agreed that, as a term of the purchase, the RPM
18 MOTORS customer would receive a credit toward a delete and tune to be performed by
19 RPM NORTHWEST following the closing of the sale.

20 15. SEAN COITEUX, TRACY COITEUX, RPM NORTHWEST, Person 1,
21 and others caused RPM NORTHWEST employees to purchase straight pipes, exhaust gas
22 recirculation delete kits, block off plates, and other hardware intended for emissions
23 system modifications.

24 16. Person 1 and others ordered tuning software files from suppliers, which the
25 suppliers then delivered to RPM NORTHWEST by email or other electronic
26 transmission.

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1 17. SEAN COITEUX, TRACY COITEUX, RPM NORTHWEST, Person 1,
 2 and others caused RPM NORTHWEST mechanics to perform deletes on diesel trucks by
 3 removing their emissions control components and replacing the relevant portion of the
 4 exhaust system with straight pipes or by hollowing out and replacing the existing
 5 emissions control system.

6 18. SEAN COITEUX, TRACY COITEUX, RPM NORTHWEST, Person 1,
 7 and others downloaded and caused to be downloaded tuning software onto cell phones or
 8 computers. The software was then used to modify, tamper with, and render inaccurate,
 9 the vehicles' OBDs in a manner that allowed the vehicles to function while emitting
 10 pollutants exceeding EPA limits, without the vehicles being shut down or forced into
 11 "limp mode."

12 19. SEAN COITEUX, TRACY COITEUX, RPM NORTHWEST, and others
 13 collected fees from customers totaling over \$500,000 for performing unlawful deletes and
 14 tunes on diesel trucks performed between about January 1, 2018 and about January 20,
 15 2021.

16 **F. Overt Acts**

17 20. In furtherance of the conspiracy, and to accomplish one or more of its
 18 objects, SEAN COITEUX, TRACY COITEUX, RACING PERFORMANCE
 19 MAINTENANCE NORTHWEST, LLC, RPM MOTORS & SALES LLC and others
 20 known and unknown to the grand jury, including Person 1, undertook, and caused to be
 21 undertaken, one or more of the following overt acts, which are representative of
 22 defendants' various acts in furtherance of the conspiracy, at Ridgefield and elsewhere
 23 within the Western District of Washington:

24 a. On or about January 29, 2018, SEAN COITEUX sent an email to a
 25 supplier ordering an EGR kit and CAC pipe for use in a delete.

1 b. On or about January 31, 2018, RPM NORTHWEST performed a
2 delete and EZ Lynk SOTF tune on a 2017 Ford F350.

3 c. On or about July 2, 2018, RPM NORTHWEST submitted an order
4 to a supplier for hardware, including EGR delete kits, for use in deleting diesel trucks.

5 d. On or about August 4, 2018, RPM NORTHWEST performed a
6 straight pipe delete and tune on a 2011 Ford F350.

7 e. On or about August 30, 2018, RPM NORTHWEST submitted an
8 order to a supplier for hardware, including straight pipes, for use in deleting diesel trucks.

9 f. On or about September 25, 2018, RPM NORTHWEST performed a
10 tune on a 2015 Ford F350.

11 g. On or about September 25, 2018, SEAN COITEUX sent a text
12 message to Person 1 providing Person 1 with a vehicle identification number and
13 directing him to purchase a tune pack for the vehicle.

14 h. On or about February 12, 2019, TRACY COITEUX sent a text
15 message to Person 1 directing Person 1 to schedule an appointment for TRACY
16 COITEUX to perform an EFI Live tune.

17 i. On or about February 25, 2019, RPM NORTHWEST performed a
18 delete and tune on a 2017 Ford F350.

19 j. On or about March 16, 2019, TRACY COITEUX authorized Person
20 1 to use a company credit card to purchase tunes.

21 k. On or about May 23, 2019, Person 1 sent a text message to a tune
22 supplier ordering a SOTF pack tune.

23 l. On or about June 18, 2019, RPM NORTHWEST performed a delete
24 and tune on a 2012 RAM 3500.

25 m. On or about July 13, 2019, RPM NORTHWEST performed a delete
26 and tune on a 2015 RAM 3500.

1 n. On or about February 25, 2020, RPM NORTHWEST performed a
2 delete and tune on a 2014 GMC Sierra 2500.

3 o. On or about May 13, 2020, RPM NORTHWEST performed a delete
4 and tune on a 2015 RAM 1500.

5 p. On or about May 19, 2020, RPM NORTHWEST performed a delete
6 and tune on a 2015 RAM 1500.

7 q. On or about July 9, 2020, RPM NORTHWEST performed a delete
8 and tune on a 2019 Ford F450.

9 r. On or about July 19, 2020, RPM MOTORS issued a “we owe/you
10 owe” statement to an RPM MOTORS customer in connection with the sale of a 2018
11 Ford F150 providing a \$1,500 credit at RPM NORTHWEST, which the customer
12 subsequently used to partially fund a delete and tune on a 2015 GMC Sierra 2500 owned
13 by the same customer.

14 s. On or about July 27, 2020, RPM MOTORS issued a “we owe/you
15 owe” statement to an RPM MOTORS customer in connection with the sale of a 2014
16 RAM 1500 in which RPM MOTORS agreed that RPM NORTHWEST would perform a
17 delete and tune on the vehicle.

18 t. On or about August 25, 2020, Person 1 sent a text message to a
19 supplier ordering an “unlimited SOTF with trans” tune.

20 u. On or about August 22, 2020, RPM MOTORS issued a “we
21 owe/you owe” statement to an RPM MOTORS customer in connection with the sale of a
22 2013 RAM 3500 in which RPM MOTORS agreed that RPM NORTHWEST would
23 perform a delete and tune on the vehicle.

1 v. On September 20, 2020, an RPM MOTORS sales representative told
2 a person he believed to be a prospective truck buyer that RPM MOTORS would arrange
3 for RPM NORTHWEST to perform a “chip intake and exhaust” on a diesel truck if the
4 prospective buyer purchased the truck from RPM MOTORS for \$73,000.

5 w. On or about September 29, 2020, RPM NORTHWEST purchased an
6 EGR delete kit from a seller over eBay.

7 x. On or about November 27, 2020, RPM NORTHWEST performed a
8 delete and tune on a 2016 GMC Sierra.

9 y. On or about December 4, 2020, RPM NORTHWEST purchased an
10 EGR delete kit from a seller over eBay.

11 z. On or about January 15, 2021, Person 1 sent a text message to a
12 supplier ordering an unlimited SOTF tune.

13 All in violation of Title 18, United States Code, Section 371.

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COUNTS 2-12

(Violations of the Clean Air Act)

21. Paragraphs 1-20 of this Superseding Indictment are incorporated by reference as if fully set forth herein.

5 22. On or about the dates set forth below, at Ridgefield, within the Western
6 District of Washington, and elsewhere, the defendants, SEAN COITEUX, TRACY
7 COITEUX, and RACING PERFORMANCE MAINTENANCE NORTHWEST, LLC,
8 did knowingly falsify, tamper with, and render inaccurate, and aid and abet in doing so,
9 monitoring devices and methods required to be maintained under the Clean Air Act, that
10 is, the on-board diagnostic devices on the diesel trucks listed below. Each of these
11 violations was part of the conspiracy alleged in Count 1, and was foreseeable to SEAN
12 COITEUX, TRACY COITEUX, and RACING PERFORMANCE MAINTENANCE
13 NORTHWEST, LLC.

Count	Date	Vehicle Type	VIN
2	1/31/18	2017 Ford F350	1FT8W3BT9HEC02392
3	6/18/19	2012 RAM 3500	3C63D3HL1CG101671
4	8/4/18	2011 Ford F350	1FT8W3BT5BEA23886
5	9/26/18	2015 Ford F350	1FT8W3BT9FEA52023
6	2/15/19	2017 Ford F350	1FT8W3BT6HED22196
7	7/13/19	2015 RAM 3500	3C63RRKL9FG502919
8	2/25/20	2014 GMC Sierra 2500	1GT120C86EF179696
9	5/13/20	2015 RAM 1500	1C6RR7FMXFS644416
10	5/19/20	2015 RAM 1500	1C6RR7NM3FS547852
11	7/9/20	2019 Ford F450	1FT8W4DT8KEG45868
12	11/27/20	2016 GMC Sierra 2500	1GT12TE81GF260090

1 All in violation of Title 42, United States Code, Section 7413(c)(2)(C) and
2 Title 18, United States Code, Section 2.

3 A TRUE BILL:

4 DATED:

5 *Jan 25, 2023*

6 [Signature of Foreperson redacted pursuant
7 to the policy of the Judicial Conference of
8 the United States]

9 _____
10 FOREPERSON

11 NICHOLAS W. BROWN
12 United States Attorney

13 ANDREW C. FRIEDMAN
14 Assistant United States Attorney

15 *C. Seth C.*
16 SETH WILKINSON
17 Assistant United States Attorney

18
19 *C. S. -*
20 KARLA PERRIN
21 Special Assistant United States Attorney